

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/S Stemmers Run Road,
175.29' SE of c/l Marlyn Avenue * ZONING COMMISSIONER
(321 Stemmers Run Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 96-227-SPHA

Wawa, Inc.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 321 Stemmers Run Road, located in the vicinity of Marlyn Avenue in Middlesex. The Petitioner seeks approval to permit parking for a commercial use in a D.R. 10.5 residential zone, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 232.2 of the B.C.Z.R. to permit side yard setbacks of 2.7 feet and 14.7 feet in lieu of the required 15 feet for each, and from Section 409.8.A.1 to permit a landscape area of 2.7 feet in lieu of the required 10 feet for Class A screening, pursuant to the Landscape Manual. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Susan Bratton, Engineering Assistant for Wawa, Inc., Tim Madden, Landscape Architect with Morris & Ritchie Associates, Inc., who prepared the site plan for this project, Rose Clark, and Scott Barhight, Esquire and David Gildea, Esquire, attorneys for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of .66 acres, of which .58 acres is zoned B.L.

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Date

By

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and the remainder of the site, .08 acres, is zoned D.R. 10.5. The property is improved with a WaWa convenience store, which has existed on the site for many years, two sheds, and an accessory parking lot. Photographs of the site show a well-maintained and attractive single story commercial building which fronts Stemmers Run Road. Vehicular access to the site is from both Stemmers Run Road and Marilyn Avenue. The Petitioner wishes to construct a 14.8' x 12' (176 sq.ft.) addition to the existing building to provide an enclosed area for storing trash. The proposed addition will have internal access to the existing store. Apparently, the Petitioner intends to install a trash compacting device and storage area within the addition and will eliminate the need to store trash and debris outside. Testimony indicated that the two sheds will be removed from the site upon completion of the proposed trash room. Further testimony indicated that the proposed addition will be in keeping with the company's plans to modernize and update their stores. Apparently, other WaWa stores are proposed for similar additions.

On behalf of WaWa, Inc., Ms. Bratton described the process by which trash will be collected, stored within the addition, and removed by a licensed trash hauling contractor.

Testimony indicated that the variance relief is necessary in order to legitimize existing conditions on the property as well as accommodate the proposed addition. When completed, the proposed addition will be located 2.7 feet from the side property line. The existing building is located 14.7 feet from the side property line, and thus, the requested variances are necessary. Further testimony revealed that two of the parking spaces which serve the store are located on that portion of the site zoned D.R. 10.5. Testimony indicated that these two parking spaces

have existed on this portion of the site for many years and that removal of same in strict compliance with the zoning regulations would be impractical and illogical.

It should also be noted that both the Office of Planning and Zoning and the Development Plans Review Division noted in their Zoning Plans Advisory Committee (ZAC) comments that a landscape plan must be submitted for the proposed addition. In this regard, Mr. Madden indicated that preliminary discussions had been conducted with Mr. Avery Harden, the Landscape Architect for Baltimore County. I shall condition the relief granted to require the Petitioner to obtain an approved landscape plan to screen the proposed addition. The Development Plans Review Division also suggested closing two of the entrances to the site closest to the intersection. This request does not relate, per se, with the zoning variance. The variance requested does not affect traffic circulation. Moreover, the uncontradicted testimony was that the traffic patterns on the site presently work well. Thus, I decline to require the Petitioner to close these points of access at this time.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

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Date

By

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3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of January, 1996 that the Petition for Special Hearing to approve parking for a commercial use in a D.R. 10.5 residential zone, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

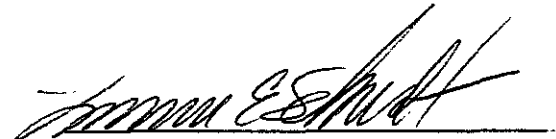
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.2 of the B.C.Z.R. to permit side yard setbacks of 2.7 feet and 14.7 feet for the proposed addition and existing building, respectively, in lieu of the required 15 feet for each, and from Section

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409.8.A.1 to permit a landscape area of 2.7 feet in lieu of the required 10 feet for Class A screening, pursuant to the Landscape Manual, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.B.2 of the B.C.Z.R. to permit two parking spaces to be located in the D.R. 10.5 zoned portion of the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. A copy of the approved plan shall be submitted to the Permits and Development Management office for inclusion in the case file prior to the issuance of any permits.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By

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Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Stemmers Run Road, 175.29' SE of c/l Marlyn Avenue
(321 Stemmers Run Road)
15th Election District - 5th Councilmanic District
Wawa, Inc. - Petitioner
Case No. 96-227-SPHA

Dear Messrs. Barhight and Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Susan Bratton, WaWa, Inc.
260 Baltimore Pike, Wawa, PA 19063

Mr. Tim Madden, Morris & Ritchie Associates, Inc.
110 West Road, Suite 105, Towson, Md. 21204

People's Counsel

✓
File

RECEIVED



Petition for Special Hearing

96-227-SPHA
to the Zoning Commissioner of Baltimore County

for the property located at 321 Stemmers Run Road

which is presently zoned BL & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Parking for commercial use in a DR 10.5 residential zone.
(BMZR 409.8.B.B.).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.

Address Phone No.

Towson, Maryland 21204 410-832-2000

City State Zipcode

Legal Owner(s):

Wawa, Inc.

(Type or Print Name)

Signature

Susan Bratton, Engineering Assistant

(Type or Print Name)

Susan Bratton, Engineering Assistant
Signature

260 Baltimore Pike (610) 358-8000

Address Phone No.

Wawa, PA 19063

City State Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Phone No.
Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: JMA DATE 11-29-95

ORDER RECEIVED FOR FILING

Date 11/29/95

By [Signature]





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 321 Stemmers Run Road

which is presently zoned BL & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 1) 232.2 - To permit a 2.7' ~~side~~ yard set-back in lieu of the required 15' rear yard set-back.
- 2) 232.2 - To permit a 14.7' ~~side~~ yard set-back in lieu of the required 15' rear yard set-back.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- 3) 409.8A.1 - To permit a 2.7' landscape area in lieu of the required 10' landscape area for class A screening pursuant to the Landscape Manual.

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight
David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address 4th Fl. Phone No.
Towson, MD 21204 410-832-2000

City

State

Zipcode

Legal Owner(s):

Wawa, Inc.

(Type or Print Name)

Signature

Susan Bratton, Engineering Assistant

(Type or Print Name)

Signature

260 Baltimore Pike (610) 358-8000

Address

Phone No.

Wawa, PA 19063

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

David K. Gildea

Name Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.
Address Towson, MD 21204 410-832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

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ZONING DESCRIPTION

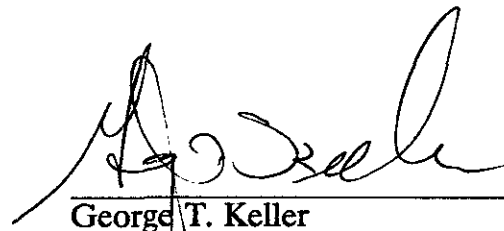
BEGINNING at a point on the southwest side of Stemmers Run Road, 65 feet wide, at the distance of 175.29 feet measured southeasterly from the centerline of Marlyn Avenue, 60 feet side. Thence the following courses and distances:

South 42° 19' 00" West 133.84 feet, North 47° 41' 00" West 158.32 feet, North 42° 19' 00" East 126.19 feet, and South 50° 27' 00" East 158.50 feet to the place of beginning.

CONTAINING 0.4725 acres of land, more or less.

BEING known as 321 Stemmers Run Road and located in the 15th Election District.




George T. Keller
Registered Property Line Surveyor #67

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228

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-217-SPH/A

Date of Posting 12/17/95

District 16th

Posted for: Special Hearing & Variances

Petitioner: Wollong, Inc.

Location of property: 331 Stomms Run Rd.

Location of Sign: Along road on property. Behind road

Remarks:

Posted by: [Signature]
Signature

Date of return: 12/22/95

Number of Signs: 1

NOT RECORDED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property, identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-227-SPHA
(Item 228)

321 Siering's Run Road,
SWS Siering's Run Road,
175 2nd Street of Towson Ave.

15th Election District
5th Councilmanic
Legal Owner(s):

WAWA, Inc.

Hearing: Tuesday, January 2,
1998 at 2:00 p.m. in Rm. 118,
Old Courthouse.

Special Hearing: to approve
parking for commercial use in
a residential zone. Variance:
to permit a 2.7 foot side yard
setback in lieu of the required
15 foot rear yard setback; to
permit a 14.7 foot side yard
setback in lieu of the required

15 foot rear yard setback; and
to permit a 2.7 foot landscape
area for Class A recycling.
LAWRENCE SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations.
Please Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

12/083 Dec. 14

022854

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/15, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 12/14, 1998.

THE JEFFERSONIAN,

A. H. Enick

LEGAL AD. - TOWSON

Printer

12/21/98

BALTIMORE C NTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

JNA
011153

DATE 11-29-95 ACCOUNT R-COI-6150

W.A. WASTON
3215 STEMMERS TRAIL RD. AMOUNT \$ 570.00

RECEIVED

FROM:

040 C. SPECIAL HEARING.

250

020 C. VARIANCE.

250

080 2 SIGNS.

70

FOR:

TOTAL

570

\$570.00

RECEIVED

01A00#0059MICHRC
BA 0004:19PM12-01-95

228-

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

TO: PUTUMENT PUBLISHING COMPANY

December 14, 1995 Issue - Jeffersonian

Please forward billing to:

G. Scoot Barhight, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-227-SPHA (Item 228)
321 Stemmers Run Road
SW/S Stemmers Run Road, 175.29' from c/l Marlyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Wawa, Inc.

Special Hearing to approve parking for commercial use in a residential zone.
Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.

HEARING: TUESDAY, JANUARY 2, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECEIVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 8, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-ZZ7-SPHA (Item Z28)
321 Stemmers Run Road
SW/S Stemmers Run Road, 175.29' from c/l Marilyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Wawa, Inc.

Special Hearing to approve parking for commercial use in a residential zone.
Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.

HEARING: TUESDAY, JANUARY 2, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Wawa, Inc.
G. Scott Barhight, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO Rm. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 29, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., 4th Floor
Towson, MD 21204

RE: Item No.: 228
Case No.: 96-227-SPHA
Petitioner: Wawa, Inc.

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

41039 12120



96-227
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: December 28, 1995

FROM: Arnold F. 'Pat' Keller, III, Director, PO

SUBJECT: 321 Stemmers Run Road

INFORMATION:

Item Number: 228

Petitioner: WaWa, Inc.

Property Size: _____

Zoning: BL & DR-10.5

Requested Action: Special Hearing and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Staff recommends that a landscape plan be filed with the Baltimore County Landscape Planner should the request be granted.

Prepared by: Jeffrey W. Long

Division Chief: AF Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 21, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for December 18, 1995
Item 228

The Development Plans Review Division has reviewed the subject zoning item. If granted, a landscape plan must be submitted and approved that fully addresses the buffer requirements for the adjacent residences.

We recommend the two existing entrances closest to the intersection of each road be eliminated.

RWB:sw

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8 COPIES

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 11, 1995.

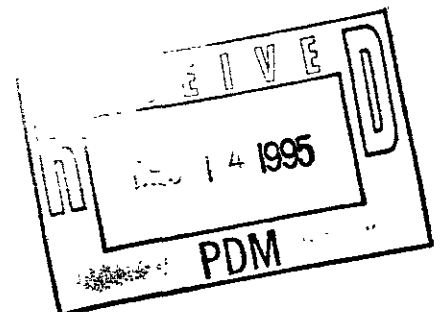
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 220, 221, 222, 223, 225,
226, 228, 229 AND 230.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ~~ZADM~~ PDM - Joyce Watson

DATE: 12/12/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee

Agenda: 11/27/95 and 12/11/95
12/4/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

11/27/95

Item #'s: 205
207
209
213
214

12/11/95

220 thru 231
and
Rev. #195

228

12/4/95

215
217
218
219

LS:sp

LETTY2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 228 (TRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#221 — RT

1. Notary section is incomplete.

#222 — JRA

1. Item number not on all papers in folder.
2. Petition form says zoning is "BM"; folder says "BM/MLR" – Which is correct?
3. Need printed name of person signing for legal owner and authorization.

#225 — JRF

1. No hardship or practical difficulty on front of petition form.
2. Folder not marked "critical area".
3. Notary section is incorrect - only one signature on back of petition form.

#227 — JCM

1. Folder not marked "critical area".

#228 — JRA

1. Item number not on all papers in folder.
2. Need authorization for person signing for legal owner.
3. Receipt not given to petitioner/attorney - still in folder.

#229 — JJS

1. Notary section is incomplete.

#230 — JJS

1. No telephone number for legal owner.
2. No location description, zoning, acreage, election or councilmanic districts on folder.

REGISTERED

| | | |
|--|---|----------------------|
| RE: PETITION FOR SPECIAL HEARING | * | BEFORE THE |
| PETITION FOR VARIANCE | | |
| 321 Stemmers Run Road, SW/S Stemmers Run | * | ZONING COMMISSIONER |
| Road, 175.29' from c/l Marlyn Avenue | | |
| 15th Election District, 5th Councilmanic | * | OF BALTIMORE COUNTY |
| Wawa, Inc. | * | CASE NO. 96-227-SPHA |
| Petitioner | | |
| * * * * * | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor and Preston, 210 Pennsylvania Avenue, 4th Floor, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
2029539@mcimail.com

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 28, 1995

Mr. Arnold Jablon
Director, Permits & Development Management Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Wawa Store at 321 Stemmers Run Road

Dear Mr. Jablon:

Enclosed please find the following documents submitted for filing:

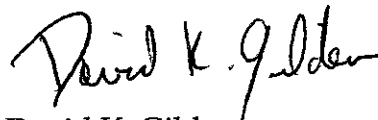
1. Three copies of Petition for Variance;
2. Three copies of Petition for Special Hearing;
3. Twelve copies of a sealed site plan to accompany the Petitions for Variance and Special Hearing.
4. Three copies of a sealed description of the property;
5. One copy of the 1" = 200' scale official zoning map; and
6. Filing fee in the amount of \$570.00 (submitted as two checks).

228
2/16/96 FILED

Mr. Arnold Jablon
November 28, 1995
Page 2

Mr. John Alexander of your office has reviewed the site plan at a filing appointment and has suggested the changes. We have complied with all of the suggested changes. Please contact me if there are any additional zoning issues to be resolved. With kind regards.

Very truly yours,



David K. Gildea

DKG:dmk

cc: Mr. Tim Madden (via telecopier 821-1748) (w/out enclosures)

64410

MICROFILMED

228

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ROSE CLARK

Tim Madden

Susan Bratton

Scott Burchight

David Jelden

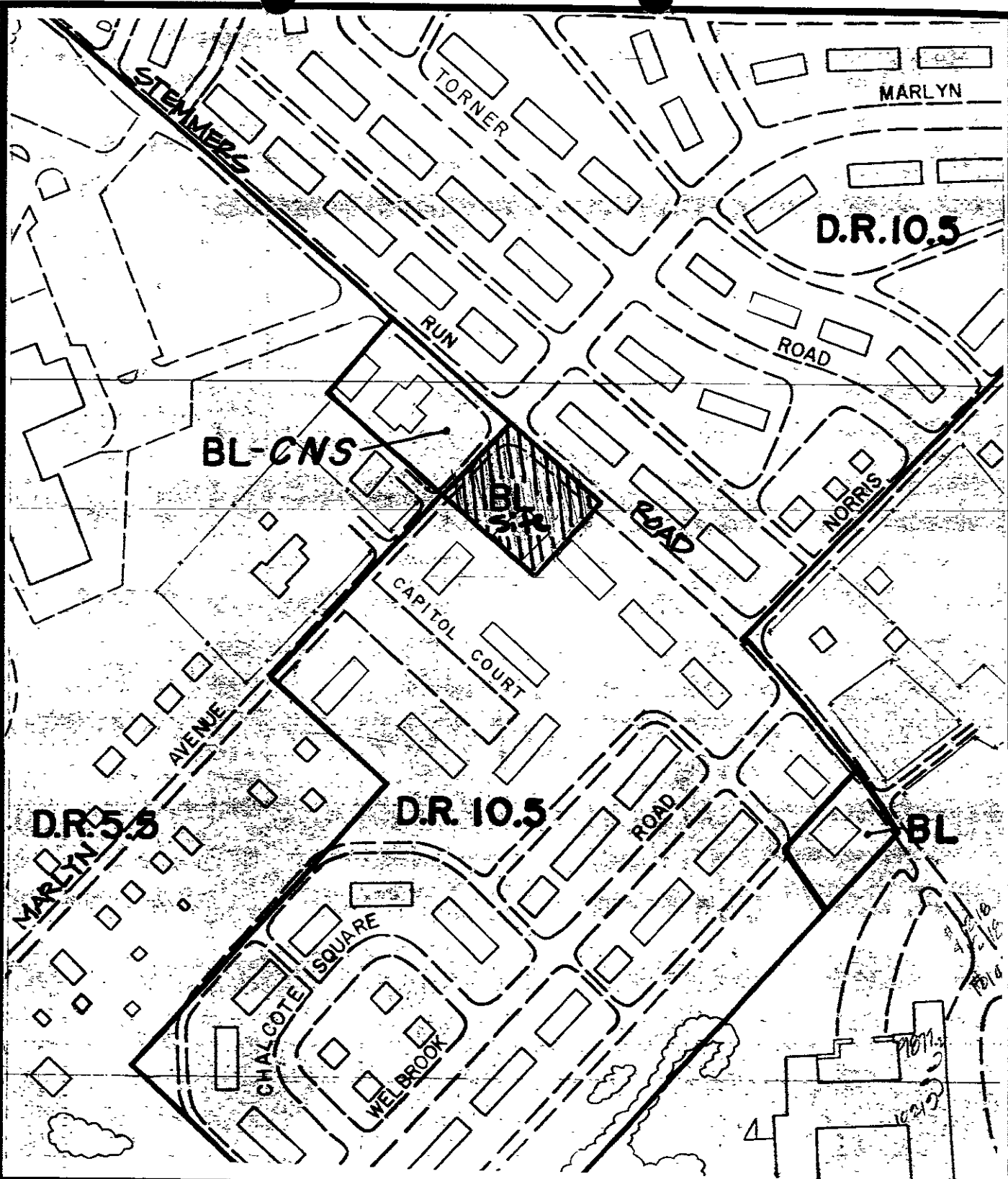
4117 JOPPA RD.

MRA 110 West Rd.

Wawa Inc. Baltimore Pike Wawa Pa

Whiteford Taylor & Preston
210 W. Penn. Ave. Towson Md 21204





MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
 110 West Road, Suite 105
 Towson, Maryland, 21204
 (410) 821-1690
 Fax: (410) 821-1748

WAWA STORE #508

ZONING MAP #N.E. 3-H

**PLAN TO ACCOMPANY
 ZONING PETITION**

MICROFILMED

158723

SCALE 1" = 200'

DATE: 11/20

DRAWN BY SDR

DESIGN BY

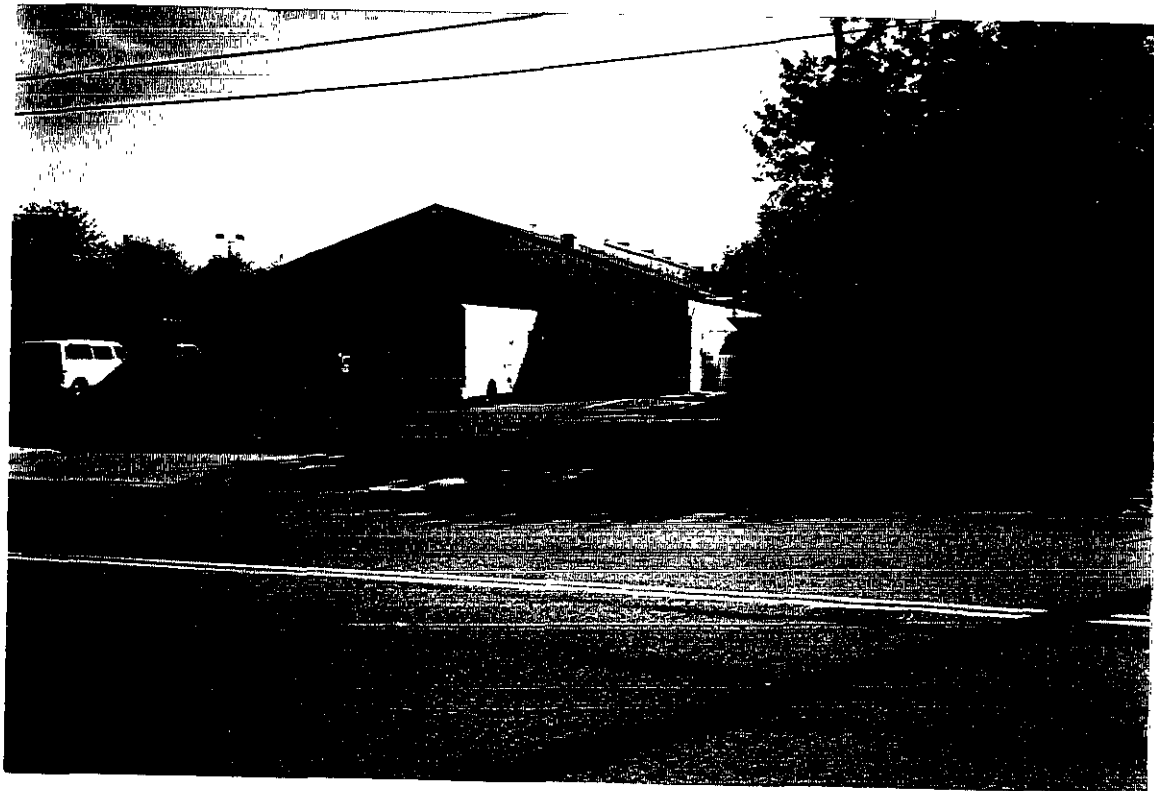
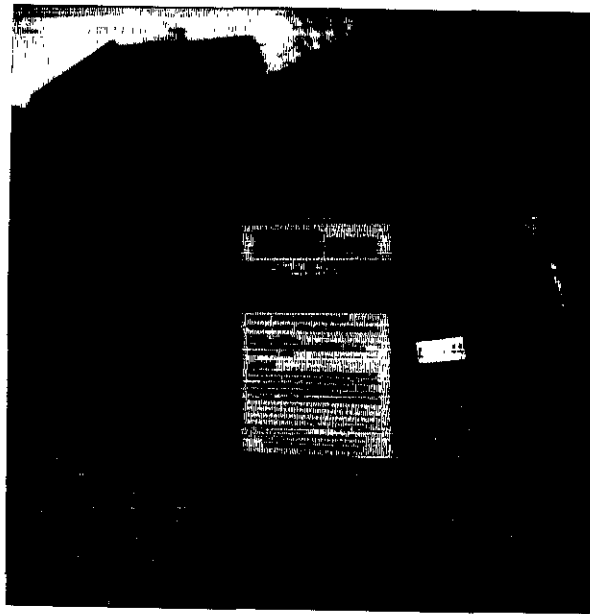
REVIEW BY

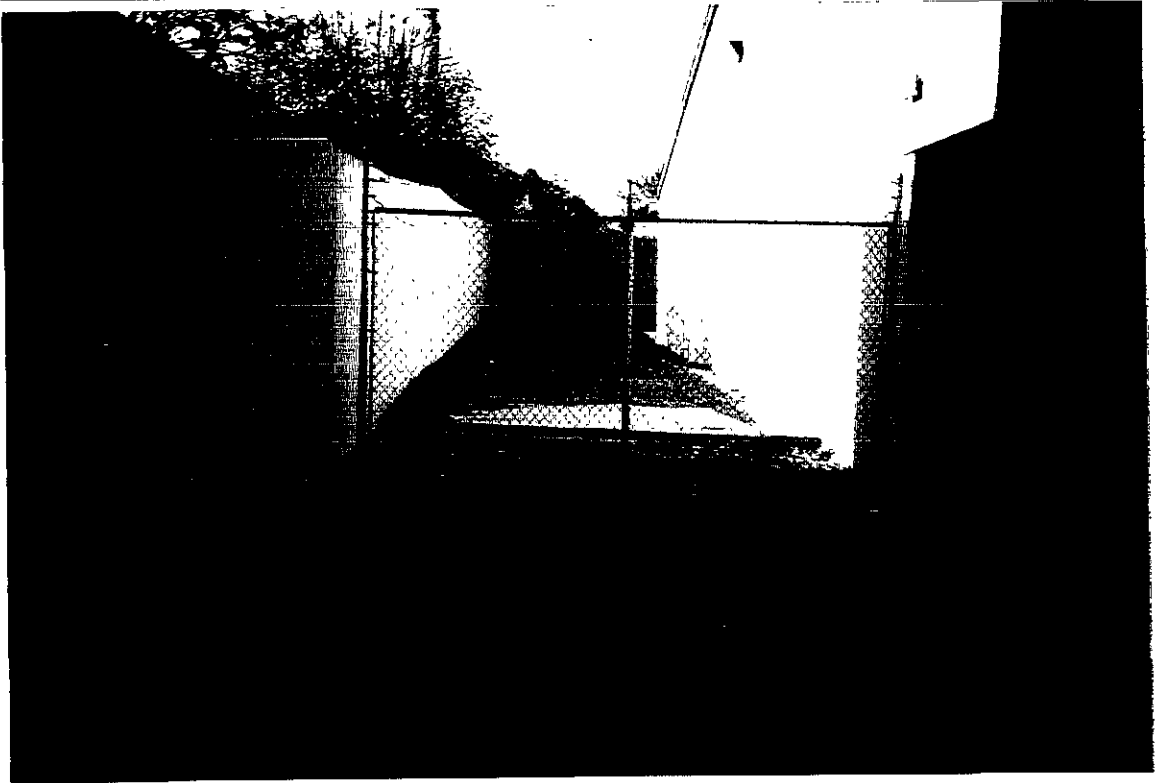
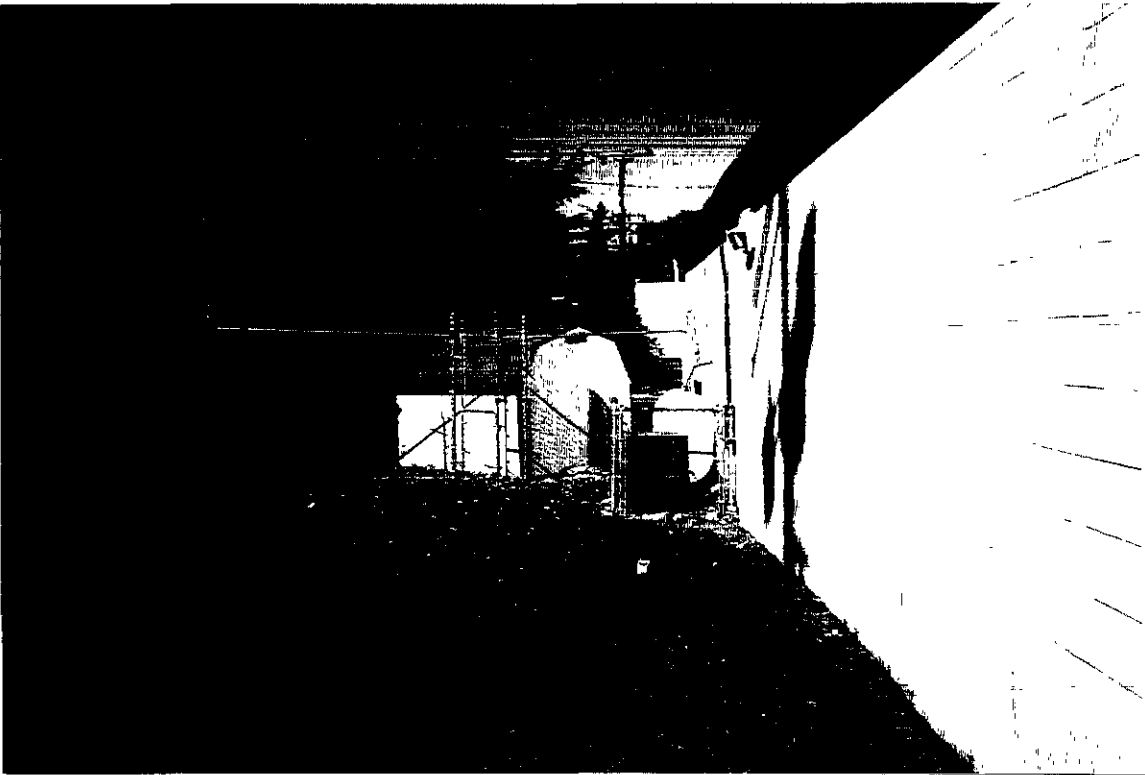
JOB NO DBT1.2

Petitioner's
Exhibits
2A-2G

photographs
in Case
96-227-SPA

EXPROFILING









IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/S Stemmers Run Road, * ZONING COMMISSIONER
175.29' SE of c/l Marlyn Avenue * OF BALTIMORE COUNTY
(321 Stemmers Run Road)
15th Election District * Case No. 96-227-SPHA
5th Councilmanic District
Wawa, Inc.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 321 Stemmers Run Road, located in the vicinity of Marlyn Avenue in Middlesex. The Petitioner seeks approval to permit parking for a commercial use in a D.R. 10.5 residential zone, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 232.2 of the B.C.Z.R. to permit side yard setbacks of 2.7 feet and 14.7 feet in lieu of the required 15 feet for each, and from Section 409.8.A.1 to permit a landscape area of 2.7 feet in lieu of the required 10 feet for Class A screening, pursuant to the Landscape Manual. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Susan Bratton, Engineering Assistant for Wawa, Inc., Tim Madden, Landscape Architect with Morris & Ritchie Associates, Inc., who prepared the site plan for this project, Rose Clark, and Scott Barhight, Esquire and David Gildea, Esquire, attorneys for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of .66 acres, of which .58 acres is zoned B.L.

and the remainder of the site, .08 acres, is zoned D.R. 10.5. The property is improved with a Wawa convenience store, which has existed on the site for many years, two sheds, and an accessory parking lot. Photographs of the site show a well-maintained and attractive single story commercial building which fronts Stemmers Run Road. Vehicular access to the site is from both Stemmers Run Road and Marlyn Avenue. The Petitioner wishes to construct a 14.8' x 12' (176 sq.ft.) addition to the existing building to provide an enclosed area for storing trash. The proposed addition will have internal access to the existing store. Apparently, the Petitioner intends to install a trash compacting device and storage area within the addition and will eliminate the need to store trash and debris outside. Testimony indicated that the two sheds will be removed from the site upon completion of the proposed trash room. Further testimony indicated that the proposed addition will be in keeping with the company's plans to modernize and update their stores. Apparently, other Wawa stores are proposed for similar additions.

On behalf of Wawa, Inc., Ms. Bratton described the process by which trash will be collected, stored within the addition, and removed by a licensed trash hauling contractor.

Testimony indicated that the variance relief is necessary in order to legitimize existing conditions on the property as well as accommodate the proposed addition. When completed, the proposed addition will be located 2.7 feet from the side property line. The existing building is located 14.7 feet from the side property line, and thus, the requested variances are necessary. Further testimony revealed that two of the parking spaces which serve the store are located on that portion of the site zoned D.R. 10.5. Testimony indicated that these two parking spaces

have existed on this portion of the site for many years and that removal of same in strict compliance with the zoning regulations would be impractical and illogical.

It should also be noted that both the Office of Planning and Zoning and the Development Plans Review Division noted in their Zoning Plans Advisory Committee (ZAC) comments that a landscape plan must be submitted for the proposed addition. In this regard, Mr. Madden indicated that preliminary discussions had been conducted with Mr. Avery Harden, the Landscape Architect for Baltimore County. I shall condition the relief granted to require the Petitioner to obtain an approved landscape plan to screen the proposed addition. The Development Plans Review Division also suggested closing two of the entrances to the site closest to the intersection. This request does not relate, per se, with the zoning variance. The variance requested does not affect traffic circulation. Moreover, the uncontradicted testimony was that the traffic patterns on the site presently work well. Thus, I decline to require the Petitioner to close these points of access at this time.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of January, 1996 that the Petition for Special Hearing to approve parking for a commercial use in a D.R. 10.5 residential zone, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.2 of the B.C.Z.R. to permit side yard setbacks of 2.7 feet and 14.7 feet for the proposed addition and existing building, respectively, in lieu of the required 15 feet for each, and from Section

409.8.A.1 to permit a landscape area of 2.7 feet in lieu of the required 10 feet for Class A screening, pursuant to the Landscape Manual, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.B.2 of the B.C.Z.R. to permit two parking spaces to be located in the D.R. 10.5 zoned portion of the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit a landscape plan for review and approval by the Landscape Architect for Baltimore County. A copy of the approved plan shall be submitted to the Permits and Development Management office for inclusion in the case file prior to the issuance of any permits.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/S Stemmers Run Road, 175.29' SE of c/l Marlyn Avenue
(321 Stemmers Run Road)
15th Election District - 5th Councilmanic District
Wawa, Inc. - Petitioner
Case No. 96-227-SPHA

Dear Messrs. Barhight and Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

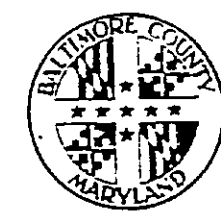
LES:bjs

cc: Ms. Susan Bratton, Wawa, Inc.
260 Baltimore Pike, Wawa, PA 19063

Mr. Tim Madden, Morris & Ritchie Associates, Inc.
110 West Road, Suite 105, Towson, Md. 21204

People's Counsel

File



Petition for Special Hearing
to the Zoning Commissioner of Baltimore County
for the property located at 321 Stemmers Run Road
which is presently zoned BL & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Parking for commercial use in a DR 10.5 residential zone.
(BMCZ 409.8.B.2.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Wawa, Inc.
(Type or Print Name)

Signature:
Susan Bratton, Engineering Assistant
(Type or Print Name)

Address:
260 Baltimore Pike (610) 358-8000
City: Wawa, PA 19063
State: PA Zipcode: 19063

Name, Address and phone number of representative to be contacted:
G. Scott Barhight
David K. Gildea
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.
Towson, MD 21204 (410) 832-2000

ESTIMATED LENGTH OF HEARING:
The following dates: OTHER 11-29-95
REVIEWED BY: SDM DATE: 11-29-95



Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 321 Stemmers Run Road
which is presently zoned BL & DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 1) 232.2 - To permit a 2.7' side yard set-back in lieu of the required 15' rear yard set-back.
- 2) 232.2 - To permit a 14.7' side yard set-back in lieu of the required 15' rear yard set-back.
- 3) 409.8.A.1 - To permit a 2.7' landscape area in lieu of the required 10' landscape area for class A screening pursuant to the Landscape Manual.

To be presented at the hearing,

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Wawa, Inc.
(Type or Print Name)

Signature:
Susan Bratton, Engineering Assistant
(Type or Print Name)

Address:
260 Baltimore Pike (610) 358-8000
City: Wawa, PA 19063
State: PA Zipcode: 19063

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:
David K. Gildea
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Fl.
Towson, MD 21204 410-832-2000

ESTIMATED LENGTH OF HEARING:
The following dates: OTHER 11-29-95
REVIEWED BY: SDM DATE: 11-29-95

ZONING DESCRIPTION

BEGINNING at a point on the southwest side of Stemmers Run Road, 65 feet wide, at the distance of 175.29 feet measured southeasterly from the centerline of Marilyn Avenue, 60 feet side. Thence the following courses and distances:

South 42° 19' 00" West 133.84 feet, North 47° 41' 00" West 158.32 feet, North 42° 19' 00" East 126.19 feet, and South 50° 27' 00" East 158.50 feet to the place of beginning.

CONTAINING 0.4725 acres of land, more or less.

BEING known as 321 Stemmers Run Road and located in the 15th Election District.



George T. Keller
Registered Property Line Surveyor #67

228

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 12/18/95
Posted for: Special Hearing & Variance
Petitioner: Wawa, Inc.
Location of property: 321 Stemmers Run Rd.
Location of Signs: Along roadway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 12/22/95
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 011153

DATE: 11-29-95 ACCOUNT: R-COI-6150

PAID TO: WA WASH INC AMOUNT: \$ 570.00

RECEIVED: WHITEFORD TAYLOR & PRESTON (For Wawa, Inc.)

CHOC. SPECIAL HEARING 250
GRD. - VARIANCE 250
FOR 2 SIGNS 70

TOTAL: \$570.00

DIAD00059NICHRC BA C004:19PM12-01-95 228

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/15, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/14, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON
PUBLISHER

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, on Tuesday, January 2, 1996 at 2:00 p.m. in the 15th Election District.
Special Hearing to approve parking for commercial use in a residential zone. Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.
Legal Owner: Wawa, Inc.
Case No. 96-227-SPHA
321 Stemmers Run Road
SW/S Stemmers Run Road, 175.29' from c/l Marilyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Wawa, Inc.

TO: PUTNAM PUBLISHING COMPANY
December 14, 1995 Issue - Jeffersonian

Please forward billing to:

S. Scott Barlight, Esq.
Whiteford, Taylor & Preston
210 N. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204
532-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, January 2, 1996 at 2:00 p.m. in the 15th Election District.
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CASE NUMBER: 96-227-SPHA (Item 228)

321 Stemmers Run Road
SW/S Stemmers Run Road, 175.29' from c/l Marilyn Avenue
15th Election District - 5th Councilmanic
Legal Owner: Wawa, Inc.

Special Hearing to approve parking for commercial use in a residential zone. Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.

HEARING: TUESDAY, JANUARY 2, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 8, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Tuesday, January 2, 1996 at 2:00 p.m. in the 15th Election District.
Special Hearing to approve parking for commercial use in a residential zone. Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.

CASE NUMBER: 96-227-SPHA (Item 228)
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Special Hearing to approve parking for commercial use in a residential zone. Variance to permit a 2.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 14.7 foot side yard setback in lieu of the required 15 foot rear yard setback; and to permit a 2.7 foot landscape area for Class A screening.

HEARING: TUESDAY, JANUARY 2, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Wawa, Inc.
S. Scott Barlight, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 29, 1995

G. Scott Barlight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave., 4th Floor
Towson, MD 21204

RE: Item No.: 228
Case No.: 96-227-SPHA
Petitioner: Wawa, Inc.

Dear Mr. Barlight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jv
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: December 28, 1995
FROM: Arnold F. 'Pat' Keller, III, Director, PO
SUBJECT: 321 Stemmers Run Road

INFORMATION:

Item Number: 228
Petitioner: Wawa, Inc.
Property Size: _____
Zoning: BL & DR-10.5
Requested Action: Special Hearing and Variance
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

Staff recommends that a landscape plan be filed with the Baltimore County Landscape Planner should the request be granted.

Prepared by: *Jeffrey M. Long*

Division Chief: *[Signature]*

PK/JL

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 21, 1995
FROM: *[Signature]* Zoning Administration and Development Management
FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for December 18, 1995
Item 228

The Development Plans Review Division has reviewed the subject zoning item. If granted, a landscape plan must be submitted and approved that fully addresses the buffer requirements for the adjacent residences.

We recommend the two existing entrances closest to the intersection of each road be eliminated.

RWB:sw

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21286-5500
(410) 887-4500

DATE: 12/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 11, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 220, 221, 222, 223, 225,
224, 228, 229 AND 230.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM - Joyce Watson
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 11/27/95 and 12/11/95
12/4/95

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee items:

11/27/95 12/11/95
Item #'s: 205 220 thru 231
207 and
209 Rev. # 195
213
214

12/4/95

215

217

218

219

LS:sp

LETTY2/DEPRM/TXTSBB

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 228 (JRA)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not affected by any State
Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#221 -- RT

1. Notary section is incomplete.

#222 -- JRA

1. Item number not on all papers in folder.
2. Petition form says zoning is "BM"; folder says "BM/MLR" - Which is correct?
3. Need printed name of person signing for legal owner and authorization.

#225 -- JRF

1. No hardship or practical difficulty on front of petition form.
2. Folder not marked "critical area".
3. Notary section is incorrect - only one signature on back of petition form.

#227 -- JCM

1. Folder not marked "critical area".

#228 -- JRA

1. Item number not on all papers in folder.
2. Need authorization for person signing for legal owner.
3. Receipt not given to petitioner/attorney - still in folder.

#229 -- JJS

1. Notary section is incomplete.

#230 -- JJS

1. No telephone number for legal owner.
2. No location description, zoning, acreage, election or councilmanic districts on folder.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
321 Stemmers Run Road, SW/S Stemmers Run
Road, 175.29' from c/l Marlyn Avenue * OF BALTIMORE COUNTY
15th Election District, 5th Councilmanic *
Wawa, Inc. * CASE NO. 96-227-SPHA
Petitioner * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 1995, a copy
of the foregoing Entry of Appearance was mailed to G. Scott Barlight,
Esquire, Whiteford, Taylor and Preston, 210 Pennsylvania Avenue, 4th
Floor, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE (410) 547-8750
FAX (410) 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE (202) 959-6800
FAX (202) 551-0975

1117 KING STREET
ALEXANDRIA, VIRGINIA 22314-2026
TELEPHONE (703) 836-5742
FAX (703) 836-6215

November 28, 1995

Mr. Arnold Jablon
Director, Permits & Development Management Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Wawa Store at 321 Stemmers Run Road

Dear Mr. Jablon:

Enclosed please find the following documents submitted for filing:

1. Three copies of Petition for Variance;
2. Three copies of Petition for Special Hearing;
3. Twelve copies of a sealed site plan to accompany the Petitions for
Variance and Special Hearing.
4. Three copies of a sealed description of the property;
5. One copy of the 1" = 200' scale official zoning map; and
6. Filing fee in the amount of \$570.00 (submitted as two checks).

Mr. Arnold Jablon
November 28, 1995
Page 2

Mr. John Alexander of your office has reviewed the site plan at a filing
appointment and has suggested the changes. We have complied with all of the
suggested changes. Please contact me if there are any additional zoning issues to be
resolved. With kind regards.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:dmk

cc: Mr. Tim Madden (via telecopier 821-1748) (w/out enclosures)

64410

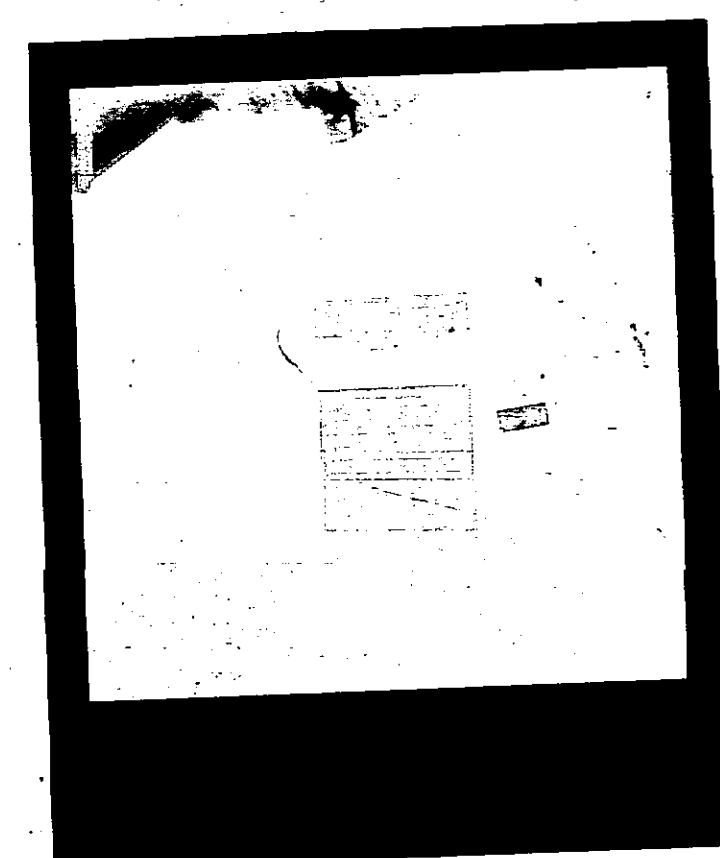
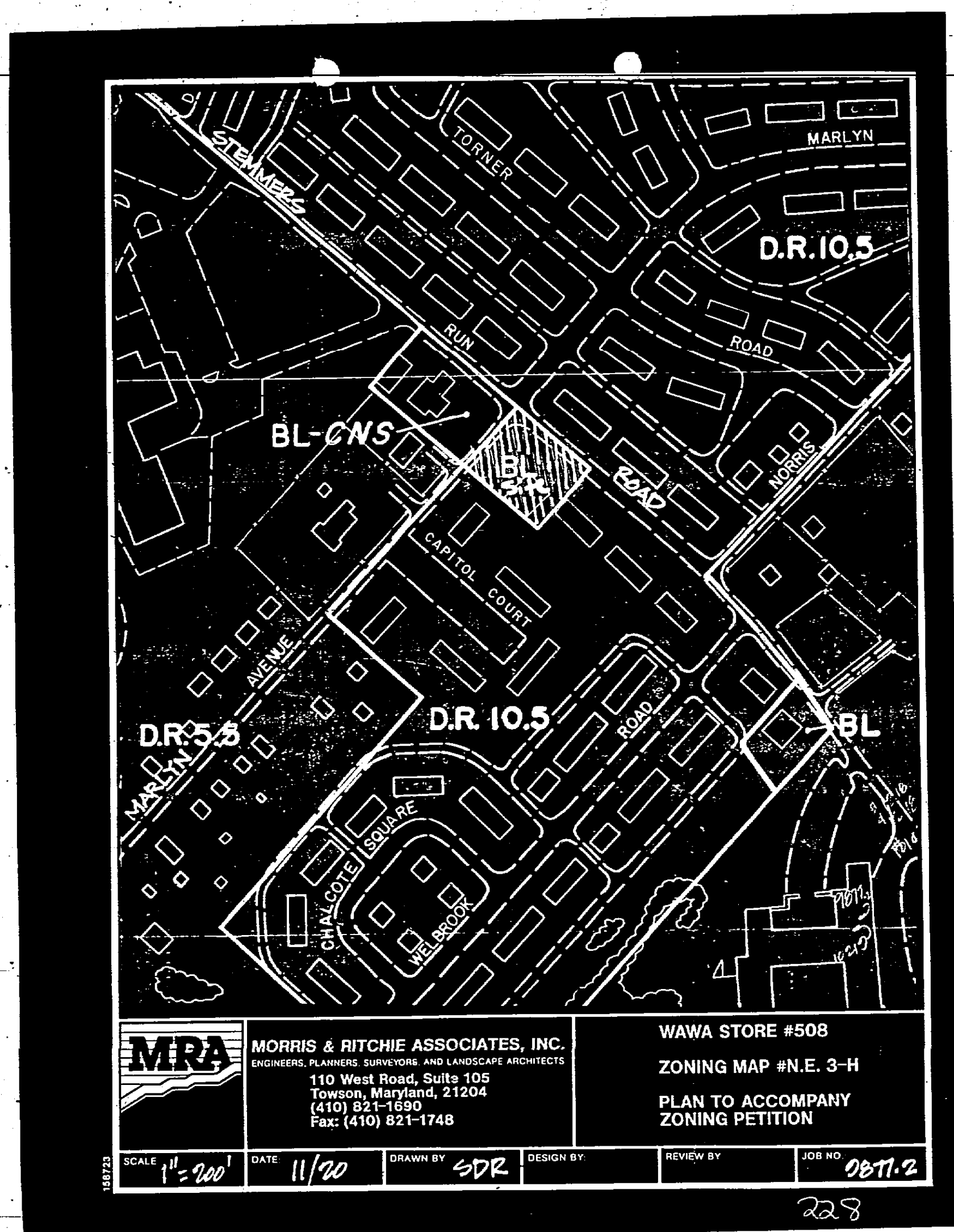
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ROSE CLARK
Jim Madden
Susan Bratton
Scott Bratton
David Gildea
4117 JOPPA RD.
MBA 110 West Rd.
Wawa Inc. Baltimore Ave. Towson, Pa.
Wendy Taylor
210 L. Penn. Ave. Towson, MD 21204



*Petitioner's
Exhibits
2A-2G
photographs
in Case
96-227-SHA*

